

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IOENGINE, LLC, <i>Plaintiff/Counterclaim Defendant,</i> v. PAYPAL HOLDINGS, INC., <i>Defendant/Counterclaim Plaintiff.</i>	C.A. No. 18-452-WCB JURY TRIAL DEMANDED
INGENICO INC., <i>Plaintiff,</i> v. IOENGINE, LLC, <i>Defendant.</i>	C.A. No. 18-826-WCB JURY TRIAL DEMANDED
IOENGINE, LLC, <i>Counterclaim Plaintiff,</i> v. INGENICO INC., INGENICO CORP., and INGENICO GROUP SA, <i>Counterclaim Defendants.</i>	

REVISED JOINT CLAIM CONSTRUCTION CHART

In accordance with Paragraph 4 of the Second Revised Scheduling Order entered in the above-captioned matters, Attorneys for IOENGINE, LLC (“IOENGINE”), PayPal Holdings, Inc. (“PayPal”), and Ingenico Inc., Ingenico Corp., and Ingenico Group SA (collectively, “Ingenico”) (all collectively, “the parties”) respectfully submit this Revised Joint Claim Construction Chart setting forth the parties’ proposed claim construction positions for certain terms and phrases in U.S. Patent Nos. 9,059,969 (the “’969 Patent”), and 9,774,703 (the “’703 Patent”) (collectively

the “Patents in Suit”).¹ IOENGINE presently asserts the following claims:

Patent	Asserted Claims
9,059,969	Claims 3 and 10 against PayPal and Ingenico
9,774,703	Claims 56, 90, 101, 105, 114, and 124 against PayPal and Ingenico

Attached is a chart identifying: (1) the disputed terms/phrases; (2) each party’s proposed construction of the disputed claim language; and (3) citation(s) to the intrinsic and extrinsic evidence in support of the parties’ respective proposed constructions. As reflected in the chart, certain terms have been proposed by PayPal for construction only in the *PayPal* matter, and PayPal and Ingenico have proposed different constructions for certain terms in the *PayPal* and *Ingenico* matters. IOENGINE’s position is that all terms should receive the same construction in both cases. Copies of the Patents-in-Suit are attached as Exhibits B and C, and copies of the portions of the intrinsic record (other than the Patents-in-Suit) and extrinsic evidence that are cited in the Joint Claim Construction Chart by one or more parties are attached as Exhibits A, D-NNNNN. The Exhibits are organized as follows:

Exhibit	Description
Exhibit A	U.S. Patent No. 8,539,047
Exhibit B	U.S. Patent No. 9,059,969
Exhibit C	U.S. Patent No. 9,774,703
Exhibit D	Excerpts from Merriam-Webster Dictionary (2004)
Exhibit E	Excerpts from Dictionary of Computer Science, Engineering, and Technology (2001)
Exhibit F	Declaration of Scott McNulty dated April 16, 2010 from the file history of U.S. Pat. 7,861,006.
Exhibit G	U.S. Pat. 7,861,006.
Exhibit H	Excerpts from Webster’s II New College Dictionary (2001)
Exhibit I	Excerpts from Webster’s Third New International Dictionary (2002)

¹ The Patents-in-Suit are asserted against both Ingenico and PayPal.

Exhibit J	Definition of “user interface,” <i>The Computer Glossary: The Complete Illustrated Dictionary</i> , Ninth Edition, 2001
Exhibit K	Definition of “interactive,” Merriam Webster’s Collegiate Dictionary, Eleventh Edition, 2003
Exhibit L	Rebuttal Expert Report of Kevin Butler, <i>IOENGINE, LLC v. Interactive Media Corp. d/b/a Kanguru Solutions</i> , No. 14-1571-GMS (D. Del. Dec. 31, 2014), D.I. 107
Exhibit M	Kanguru Defender Basic User Manual (2012)
Exhibit N	Trial Transcript <i>IOENGINE, LLC v. Imation Corp.</i> , No 14-1572-GMS (D. Del. Dec. 31, 2014)
Exhibit O	Plaintiff IOENGINE, LLC’s Opening Claim Construction Brief, <i>IOENGINE, LLC v. Interactive Media Corp. d/b/a Kanguru Solutions</i> , No. 14-1571-GMS (D. Del. Dec. 31, 2014), D.I. 42
Exhibit P	Markman Hearing Transcript, and <i>IOENGINE, LLC v. Interactive Media Corp. d/b/a Kanguru Solutions</i> , No. 14-1571-GMS (D. Del. Dec. 31, 2014), D.I. 52
Exhibit Q	Plaintiff IOENGINE, LLC’s Answering Claim Construction Brief, and <i>IOENGINE, LLC v. Interactive Media Corp. d/b/a Kanguru Solutions</i> , No. 14-1571-GMS (D. Del. Dec. 31, 2014), D.I. 48
Exhibit R	30(6)(b) Deposition of Scott McNulty, and <i>IOENGINE, LLC v. Interactive Media Corp. d/b/a Kanguru Solutions</i> , No. 14-1571-GMS (D. Del. Dec. 31, 2014)
Exhibit S	Trial Transcript, <i>IOENGINE, LLC v. Interactive Media Corp. d/b/a Kanguru Solutions</i> , No. 14-1571-GMS (D. Del. Dec. 31, 2014)
Exhibit T	Ronald Rivest, Chaffing and Winnowing: Confidentiality without Encryption, (http://people.csail.mit.edu/rivest/chaffing-980701.txt)
Exhibit U	Definition of “interactive,” HARGRAVE’S COMMUNICATIONS DICTIONARY (2001)
Exhibit V	Excerpt from Alberto Leon-Garcia & Indra Widjaja, COMMUNICATIONS NETWORKS: FUNDAMENTAL CONCEPTS AND KEY ARCHITECTURES (McGraw Hill 2004)
Exhibit W	Definition of “node,” IBM DICTIONARY OF COMPUTING (10th ed. 1993)
Exhibit X	Definitions of “memory,” and “node” DICTIONARY OF SCIENTIFIC AND TECHNICAL TERMS (5th ed. 1994)
Exhibit Y	Definition of “memory,” NEWTON’S TELECOM DICTIONARY (18th ed. 2002)
Exhibit Z	Dennis J. M. J. de Baar, et al., <i>Coupling application design and user interface design</i> , In Proceedings of the SIGCHI Conference on Human Factors in Computing Systems (CHI ’92), Penny Bauersfeld, John Bennett, and Gene Lynch (Eds.). ACM, New York, NY, USA, 259-256. DOI: https://doi.org/10.1145/142750.142806
Exhibit AA	Claim Construction Order, <i>IOENGINE, LLC v. Interactive Media Corp.</i> , C.A. No. 14-1571-GMS, D.I. 67; <i>IOENGINE, LLC v. Imation Corp.</i> , C.A. No. 14-1572-GMS, Order Construing the Terms of U.S. Patent No. 8,539,047, D.I. 102 (D. Del. March 21, 2016)
Exhibit BB	Final Written Decision, <i>Ingenico Inc. v. IOENGINE, LLC</i> , IR2019-00929, D.I. 53 (PTAB Sept. 21, 2020)

Exhibit CC:	Declaration Of Aviel D. Rubin, Ph.D.
Exhibit DD	Declaration of Dr. Clifford Neuman, Case Nos. IPR2019-00884 – 00887
Exhibit EE	Claim Construction Chart, D.I. 86, 18-cv-00452
Exhibit FF	Declaration of Kevin Butler, Ph.D. in IPR2019-00416 and IPR2019-00584 (“Ex. 2001”)
Exhibit GG	IPR2019-00416, Paper 1
Exhibit HH	<i>Intentionally Left Blank</i>
Exhibit II	Opp. Claim Construction Brief in -18-cv-452
Exhibit JJ	Imation Trial Transcript.
Exhibit KK	Declaration of Kevin Butler, Ph.D. (Ex. 2099 in IPR2019-00416) (dated October 16, 2019)
Exhibit LL	<i>Intentionally Left Blank</i>
Exhibit MM	Geier Declaration, filed with Petition in IPR2019-00416 (“Ex. 1002”)
Exhibit NN:	Deposition transcript of James T. Geier, dated September 11, 2019 (“Ex. 2110” in IPR2019-00416)
Exhibit OO:	Institution of Inter Partes Review in IPR2019-00416
Exhibit PP	<i>Intentionally Left Blank</i>
Exhibit QQ:	Petitioner's Motion to Submit Supplemental Information Pursuant to 37 C.F.R. 42.123(a)
Exhibit RR	Excerpts from Computer Shopper, July 2000, Vol. 20, No. 7, Issue 244, at 3, 4.
Exhibit SS	Shaw, An Input-Output Model for Interactive Systems
Exhibit TT	“Cellular Phones: Today and Tomorrow,” Science Year 2002, The World Book Annual Science Supplement (Ex. 1031 In IPR2019-00416);
Exhibit UU	Excerpts from Computer Shopper, July 2000, Vol. 20, No. 7, Issue 244 (Ex. 1032 IN IPR2019-00416)
Exhibit VV	From cell-phones to self-phones,” The Economist, January 26th 2002, Vol. 362, No. 8257, pp. 56-57 (Ex. 1033 in IPR2019-00416), at 4, 5
Exhibit WW	Excerpts from Computer Shopper, January 2002, Vol. 22, No. 1, Issue No. 262 (“Ex. 1034” in IPR2019-00416)
Exhibit XX	Excerpts from online cellphone catalog: www.gsmarena.com (Ex. 1035 in IPR2019-00416, <i>passim</i>)
Exhibit YY	Prosecution History for U.S. Patent No. 8,539,047 at 129-130, 153, 156-57, 159-67 (Ex. 1014 in IPR2019-00416) (Ex. 1021 in IPR2019-00929)
Exhibit ZZ	IPR2019-00879, DECISION Granting Institution of Inter Partes Review (September 26, 2019), Paper 16
Exhibit AAA	Excerpt from Harry Newton, NEWTON'S TELECOM DICTIONARY (18th ed. 2002) (Ex. 2103 in IPR2019-00416)
Exhibit BBB	Excerpt from “The Microsoft Windows 2000 Professional Handbook” by Louis Columbus (Charles River Media 2001) (“Ex. 2105” in IPR2019-00416)
Exhibit CCC	Reply Brief from IPR2019-00416 at 1
Exhibit DDD	Deposition Transcript of Kevin Raymond Boyce Butler, December

	20, 2019
Exhibit EEE	Petition in IPR2019-00584
Exhibit FFF	Declaration of Kevin Butler, Ph.D. (Ex. 2003 in IPR2019-00879)
Exhibit GGG	Petition for IPR in -879 proceeding
Exhibit HHH	Declaration of Kevin Butler, Ph.D. dated December 18, 2019 (Ex 2099 in IPR2019-00879)
Exhibit III	Definition of “user interface”, The Computer Glossary: The Complete Illustrated Dictionary, Ninth Edition, The Computer Language Company Inc., 2001, p. 420 (“Ex. 1009” in IPR2019-00879).
Exhibit JJJ	Geier Declaration, filed with Petition in IPR2019-00879 (“Ex. 1002”)
Exhibit KKK	Decision Granting Institution of <i>Inter Partes</i> Review in IPR2019-00879
Exhibit LLL	Prosecution History for parent U.S. Patent No. 8,539,047 (Mar. 25, 2019, Ex. 1016 in IPR2019-00879), at 130, 156-57, 159-63
Exhibit MMM	Deposition Transcript of Kevin Raymond Boyce Butler, December 20, 2019 (Mar. 11, 2020 Ex. 1046 In -879)
Exhibit NNN	IPR2019-00929 Petition (Ex. 2003 in -929) at 11
Exhibit OOO	Declaration of Kevin Butler, Ph.D., IPR2019-00929, July 9, 2019 (Ex. 2003 in -929 IPR)
Exhibit PPP	<i>Intentionally left blank</i>
Exhibit QQQ	Geier Declaration filed with -929 Brief (Ex. 1027 in IPR2019-00929)
Exhibit RRR	Petition for <i>Inter Partes</i> Review in -929 proceeding
Exhibit SSS	Declaration of Kevin Butler, Ph.D. dated December 18, 2019 (Ex. 2099 in IPR2019-00879)
Exhibit TTT	Declaration of Kevin Butler, Ph.D. (Ex. 2139 in IPR2019-00929)
Exhibit UUU	Decision Denying Institution of <i>Inter Partes</i> Review, Ingenico Inc. v. IOENGINE, LLC, IPR2019-00584, Paper 13 at 16-18 (PTAB Aug. 9, 2019)
Exhibit VVV	Deposition Transcript of Kevin Raymond Boyce Butler, February 6, 2020.
Exhibit WWW	Petition in -906 IPR at 33 n.4 (admitting “a user may interact” with IUI).
Exhibit XXX	Declaration Of Aviel D. Rubin, Ph.D. (July 17, 2019).
Exhibit YYY	Declaration Of Aviel D. Rubin, Ph.D. (August 12, 2019)
Exhibit ZZZ	Reply Brief from IPR2019-00929 (Paper 31)
Exhibit AAAA	<p>Pleadings and decisions from <i>Ingenico Inc. v. IOENGINE LLC</i>, IPR2019-00416 regarding U.S. Patent No. 8,539,047:</p> <ul style="list-style-type: none"> • AAAA-1: Petition (Paper 001); • AAAA-2: Declaration of James Geier (Ex. 1002); • AAAA-3: POPR (Paper 006); • AAAA-4: Declaration of Kevin Butler (Ex. 2001) • AAAA-5: Institution Decision (Paper 020); • AAAA-6: Patent Owner’s Response (Paper 035); • AAAA-7: Declaration of Kevin Butler (Ex. 2099) • AAAA-8: Petitioner’s Reply (Paper 039); • AAAA-9: Patent Owner’s Sur-Reply (Paper 043); and, • AAAA-10: Final Written Decision (Paper 060).

Exhibit BBBB	Pleadings and decisions from <i>Ingenico Inc. v. IOENGINE LLC</i> , IPR2019-00879 regarding U.S. Patent No. 9,059,969: <ul style="list-style-type: none">• BBBB-1: Petition (Paper 001);• BBBB-2: Declaration of James Geier (Ex. 1002);• BBBB-3: POPR (Paper 011);• BBBB-4: Declaration of Kevin Butler (Ex. 2003)• BBBB-5: Institution Decision (Paper 016);• BBBB-6: Patent Owner's Response (Paper 036);• BBBB-7: Declaration of Kevin Butler (Ex. 2001)• BBBB-8: Petitioner's Reply (Paper 041);• BBBB-9: Patent Owner's Sur-Reply (Paper 043); and,• BBBB-10: Final Written Decision (Paper 069).
Exhibit CCCC	Pleadings and decisions from <i>Ingenico Inc. v. IOENGINE LLC</i> , IPR2019-00929 regarding U.S. Patent No. 9,774,703: <ul style="list-style-type: none">• CCCC-1: Petition (Paper 001);• CCCC-2: Declaration of James Geier (Ex. 1027);• CCCC-3: POPR (Paper 011);• CCCC-4: Declaration of Kevin Butler (Ex. 2003)• CCCC-5: Institution Decision (Paper 016);• CCCC-6: Patent Owner's Response (Paper 026);• CCCC-7: Declaration of Kevin Butler (Ex. 2139)• CCCC-8: Petitioner's Reply (Paper 031);• CCCC-9: Patent Owner's Sur-Reply (Paper 032); and,• CCCC-10: Final Written Decision (Paper 053).
Exhibit DDDD	Notice of Allowability and Examiner's Amendment Dated 7/10/2019 in the Prosecution History of U.S. Patent No. 10,397,374
Exhibit EEEE	Intentionally left blank
Exhibit FFFF	Intentionally left blank
Ex. GGGG	(Amendment and Request for Continued Examination Dated 7/18/2019 in the Prosecution History of U.S. Patent No. 10,447,819).
Ex. HHHH	(Applicant-Initiated Interview Summary dated 7/18/2019 in the Prosecution History of U.S. Patent No. 10,447,819).
Ex. IIII	(Dkt. No. 90) at pp. 4-8;
Ex. JJJJ	(Dkt. No. 110) at pp. 1-5.
Ex. KKKK	(IPR2019-00416 Patent Owner's Preliminary Response) at pp. 12-16;
Ex. LLLL	(IPR2019-00416 April 16, 2019 Declaration of Kevin Butler) at ¶¶ 33-40;
Ex. MMMM	(IPR2019-00416 Corrected Patent Owner's Response) at pp. 10-24;
Ex. NNNN	(IPR2019-00416 October 16, 2019 Declaration of Kevin Butler) at ¶¶ 41-56;
Ex. OOOO	(IPR2019-00416 Record of Oral Hearing) at pp. 27-54, 58-63;
Ex. PPPP	(IPR2019-00879 Patent Owner's Preliminary Response) at pp. 13-17;

Ex. QQQQ	(IPR2019-00879 July 16, 2019 Declaration of Kevin Butler) at ¶¶ 37-45
Ex. RRRR	(IPR2019-00879 Patent Owner's Response) at pp. 7-16
Ex. SSSS	(IPR2019-00879 December 18, 2019 Declaration of Kevin Butler) at ¶¶ 50-72;
Ex. TTTT	(IPR2019-00879 Patent Owner's Sur-Reply) at pp. 2-5;
Ex. UUUU	(IPR2019-00879 and IPR2019-00929 Record of Oral Hearing) at pp. 47-105, 118-128
Ex. VVVV	(IPR2019-00929 Patent Owner's Preliminary Response) at pp. 12-15
Ex. WWWW	(IPR2019-00929 July 9, 2019 Declaration of Kevin Butler) at ¶¶ 36-43;
Ex. XXXX	(IPR2019-00929 Patent Owner's Response) at pp. 10-24;
Ex. YYYY	(IPR2019-00929 December 18, 2019 Declaration of Kevin Butler) at ¶¶ 42-64;
Ex. ZZZZ	(IPR2019-00929 Patent Owner's Sur-Reply) at pp. 2-5.
Ex. AAAAAA	(The Merriam-Webster Dictionary (2004)) definition of "interactive."
Ex. BBBBBB	(Dictionary of Computer Science, Engineering, and Technology (2001)) definition of "user interface (UI)."
Ex. CCCCCC	Intentionally left blank
Ex. DDDDDD	(Declaration Dated 4/16/10 in the Prosecution History of U.S. Patent No. 7,861,006),
Ex. EEEEE	([First] Request for Certificate of Correction Dated 10/15/2019 in the Prosecution History of U.S. Patent No. 10,447,819),
Ex. FFFFF	(Dkt. No. 90)
Ex. GGGGG	(Dkt. No. 110)
Ex. HHHHH	(IPR2019-00906 Patent Owner's Preliminary Response)
Ex. IIIII	(IPR2019-00906 Declaration of Aviel Rubin)
Ex. JJJJJ	(IPR2019-00907 Patent Owner's Preliminary Response)
Ex. KKKKK	(IPR2019-00907 Declaration of Aviel Rubin)
Ex. LLLLL	(<i>Imation</i> Litigation Dkt. No. 84),

Ex. MMMMM	(Dkt. No. 90)
Ex. NNNNN	(Dkt. No. 110)

In addition to the intrinsic materials disclosed in the Joint Claim Construction Chart, each party reserves the right to rely on other portions of the specifications and prosecution history of the Patents-in-Suit during claim construction briefing and argument, including evidence cited by the opposing party in support of its proposed constructions.

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CLAIM CONSTRUCTION CHART

The parties reserve the right to rely on any intrinsic evidence cited for a term, regardless of which party proposed such term, as well as any figures, tables, examples, and/or reference cited or incorporated by reference in the cited portions of the Patents-in-Suit and any applicable file history, even if not explicitly referred to herein. The parties further reserve the right to amend this chart, as necessary.

Claim Term(s)	IOENGINE, LLC's Proposed Construction(s) and Evidentiary Support	PayPal's Proposed Construction(s) and Evidentiary Support	Ingenico's Proposed Construction(s) and Evidentiary Support
<p>“interactive user interface” (all asserted claims) (Proposed by IOENGINE, Ingenico, and PayPal)</p>	<p>Proposed Construction: “a presentation containing interface elements with which a user may interact to result in the processor presenting / affecting the presentation taking action responsively by modifying what is presented”</p> <p>Intrinsic Evidence: Ex. A ('047 Patent) at Abstract; 1:52-62; 2:25-46; 3:58-61; 4:40-65; 6:64-7:1; 7:12-15; 7:45-52; 8:20-22; 8:37-46; 9:5-10:45; 1-:46-52; 10:63-11:5; 11:14-32; 11:59-12:11; 12:18-24; 12:33-63; 13:2-5; 13:14-16; 11:36-40; 14:60-15:17; 17:51-18:3; 19:38-20:24, 26:7-27; 27:28-28:15; 28:38-44; 31:3-18; Figs. 4-8, Claims, and the and the</p>	<p>Proposed Construction: “a display in response to which a user may interact using an input component”</p> <p>Intrinsic Evidence: The asserted patents, including at least the '969 patent at: Abstract; 1:46-61; 2:39-46; 3:57-62; 4:31-5:8; 5:31-8:52; 9:5-11:31; 13:13-16; 13:28-33; 13:52-63; 14:2-5; 14:58-15:17; 15:27-31; 16:40-49; 16:65-17:1; 17:51-18:3; 21:64-22:27; 23:44-50; 25:8-22; 28:54-57; Figs. 1-10.</p> <p>Ex. GGGG (Amendment and Request for Continued</p>	<p>Proposed Construction: “a display containing interface elements with which a user may interact to result in a computer taking action responsively.”</p> <p>Intrinsic Evidence: Ex. A ('047 Patent) at 2:35-46; 3:50-53; 9:20-22; 11:50-53; 12:57-60; 21:64-66; 26:8-27; 30:6-58.</p> <p>Ex. B ('969 Patent) at 2:35-46; 3:50-53; 9:20-22; 11:50-53; 12:57-60; 21:64-66; 26:8-27; 30:6-58.</p> <p>Ex. C ('703 Patent) at 2:35-46; 3:50-53; 9:20-22; 11:50-53; 12:57-60; 21:64-66; 26:8-27; 30:6-58.</p>

Claim Term(s)	IOENGINE, LLC's Proposed Construction(s) and Evidentiary Support	PayPal's Proposed Construction(s) and Evidentiary Support	Ingenico's Proposed Construction(s) and Evidentiary Support
	<p>equivalent passages in Ex. B ('969 Patent) and Ex. C ('703 Patent).</p> <p>Ex. B ('969 Patent) at Abstract, 1:47-62, 2:23-53; 2:55-3:60; 4:39-64; 6:60-67; 7:12-14; 7:45-47; 8:19-21; 8:37-42; 9:5-10:46; 10:64-11:5; 11:13-31; 11:58-12:10; 12:30-63; 14:58-15:16; 15:23-48; 17:51-18:3, 26:8-27; 26:63-27:7; 30:65-66; 31:23-25; Figs. 5-8, Claims, and the and the equivalent passages in Ex. A ('047 Patent) and Ex. C ('703 Patent). .</p> <p>Ex. C ('703 Patent) at Abstract; 1:52-67, 2:31-47; 2:47-53; 2:57-59; 2:63-4:2; 4:49-5:8; 7:13-17; 7:29-31; 7:62-64; 8:38-41; 8:56-61; 9:16-21; 9:26-11:1; 11:19-28; 11:36-55; 12:15-35; 12:57-13:53; 14:60-15:13; 15:23-44; 18:18-38; 26:54-27:7; 31:50-51; 31:63-65; 36:6; 36:10-12; 38:21; fig. 2; Figs. 5-8; Claims, and the and the equivalent passages in Ex. A ('047 Patent) and Ex. B ('969</p>	<p>Examination Dated 7/18/2019 in the Prosecution History of U.S. Patent No. 10,447,819).</p> <p>Ex. HHHH (Applicant-Initiated Interview Summary dated 7/18/2019 in the Prosecution History of U.S. Patent No. 10,447,819).</p> <p>All statements made by Patent Owner in this proceeding relating to the scope of this claim language, including at least: Ex. IIII (Dkt. No. 90) at pp. 4-8; Ex. JJJJ (Dkt. No. 110) at pp. 1-5.</p> <p>All statements made by Patent Owner in any of IPR2019-00416; IPR2019-00584; IPR2019-00879; IPR2019-00884; IPR2019-00885; IPR2019-00886; IPR2019-00887; IPR2019-00906; IPR2019-00907; IPR2019-00929; IPR2019-00930;</p>	<p>All statements made relating to the scope of this claim language in any of IPR2019-00416, IPR2019-00879, and IPR2019-00929, and all appeals thereof, including at least:</p> <p>Ex. AAAA ('047 IPR): AAAA-1 at 12-13, 21; AAAA-2 at ¶¶ 28, 35, 48; AAAA-3 at 6-8, 12-16, 22-24; AAAA-4 at ¶¶ 33-40; AAAA-5 at 20-25, 38-46; AAAA-6 at 10-18; AAAA-7 at ¶¶ 41-56; AAAA-8 at 1-4; AAAA-9 at 2-6; AAAA-10 at 12-18.</p> <p>Ex. BBBB ('969 IPR): BBBB-1 at 13-15, 25-26, 40-41; BBBB-2 at ¶¶ 30-31, 34, 51, 57, 74-77, 89-91; BBBB-3 at 13-18, 21-23; BBBB-4 at ¶¶ 37-45; BBBB-5 at 15-20; BBBB-6 at 7-16, 24-29; BBBB-7 at ¶¶ 50-72; BBBB-8 at 1-3; BBBB-9 at 2-5, 8-12; BBBB-10 at 13-20.</p> <p>Ex. CCCC ('703 IPR): CCCC-1 at 10-11, 17-19; CCCC-2 at ¶¶</p>

Claim Term(s)	IOENGINE, LLC's Proposed Construction(s) and Evidentiary Support	PayPal's Proposed Construction(s) and Evidentiary Support	Ingenico's Proposed Construction(s) and Evidentiary Support
	<p>Patent). ..</p> <p>Extrinsic Evidence:</p> <p>Ex. U. HARGRAVE'S COMMUNICATIONS DICTIONARY (2001) definition of "interactive"</p> <p>Ex. Z Dennis J. M. J. deBaar, et al., <i>Coupling application design and user interface design</i>, In Proceedings of the SIGCHI Conference on Human Factors in Computing Systems (CHI '92), Penny Bauersfeld, John Bennett, and Gene Lynch (Eds.). ACM, New York, NY, USA, 259-256.</p> <p>DOI: https://doi.org/10.1145/142750.142806 ("Ex. 2002" in IPR2019-00416 at 1-2)</p> <p>Ex. BB: Final Written Decision, <i>Ingenico Inc. v. IOENGINE, LLC</i>, IR2019-00929, D.I. 53 at 20-21 (PTAB Sept. 21, 2020)</p> <p>Ex. CC: Declaration Of Aviel D. Rubin, Ph.D. (September 6,</p>	<p>IPR2019-00931, and all appeals thereof, including at least: Ex. KKKK (IPR2019-00416 Patent Owner's Preliminary Response) at pp. 12-16; Ex. LLLL (IPR2019-00416 April 16, 2019 Declaration of Kevin Butler) at ¶¶ 33-40; Ex. MMMM (IPR2019-00416 Corrected Patent Owner's Response) at pp. 10-24; Ex. NNNN (IPR2019-00416 October 16, 2019 Declaration of Kevin Butler) at ¶¶ 41-56; Ex. OOOO (IPR2019-00416 Record of Oral Hearing) at pp. 27-54, 58-63; Ex. PPPP (IPR2019-00879 Patent Owner's Preliminary Response) at pp. 13-17; Ex. QQQQ (IPR2019-00879 July 16, 2019 Declaration of Kevin Butler) at ¶¶ 37-45; Ex. RRRR (IPR2019-00879 Patent Owner's Response) at pp. 7-16; Ex. SSSS (IPR2019-00879</p>	<p>29, 35, 65, 72, 118; CCCC-3 at 12-15, 21-23; CCCC-4 at ¶¶ 36-43; CCCC-5 at 12-17, 33-34; CCCC-6 at 10-24, 36-39; CCCC-7 at ¶¶ 42-64; CCCC-8 at 1-5; CCCC-9 at. pp. 2-5, 8-10; CCCC-10 at 15-22, 49-56.</p> <p>Ex. DDDD (Notice of Allowability and Examiner's Amendment Dated 7/10/2019 in the Prosecution History of U.S. Patent No. 10,397,374).</p> <p>Extrinsic Evidence:</p> <p>Ex. J. (Definition of "user interface," <i>The Computer Glossary: The Complete Illustrated Dictionary</i>, Ninth Edition, 2001) at p. 420.</p> <p>Ex. K. (Definition of "interactive," Merriam Webster's Collegiate Dictionary, Eleventh Edition, 2003) at p. 651.</p> <p>Ex. L. (Rebuttal Expert Report of</p>

Claim Term(s)	IOENGINE, LLC's Proposed Construction(s) and Evidentiary Support	PayPal's Proposed Construction(s) and Evidentiary Support	Ingenico's Proposed Construction(s) and Evidentiary Support
	<p>2019) at ¶¶ 18–20; 33; 43–60, 67–68, 69, 87.</p> <p>Ex. EE: Claim Construction Chart at 1, D.I. 86, 18-cv-00452</p> <p>Ex. FF: Declaration of Kevin Butler, Ph.D. in IPR2019-00416 and IPR2019-00584 at ¶¶ 33–40, 50–55</p> <p>Ex. GG: IPR2019-00416, Paper 1 at 6, 10–13, 19–24, 28–29, 33 n. 4; 36–37 n.3, 40–42 n. 4–5, 51, 52–63</p> <p>Ex. II. Opp. Claim Construction Brief in -18-cv-452 at 9–12 12, and 14.</p> <p>Ex. KK: Declaration of Kevin Butler, Ph.D. (Ex. 2099 in IPR2019-00416) at ¶¶41–56, 66–70, 72–74, 76, 78, 79, 81–83, 87–95, 98–107, 112–15, 117–18, 121–44, 146–47, Figs. 5, 7, 8</p> <p>Ex. MM: Geier Declaration, filed with -929 and -416 Petitions) ¶¶28, 43–44, 77–97</p>	<p>December 18, 2019 Declaration of Kevin Butler) at ¶¶ 50–72; Ex. TTTT (IPR2019-00879 Patent Owner's Sur-Reply) at pp. 2–5; Ex. UUUU (IPR2019-00879 and IPR2019-00929 Record of Oral Hearing) at pp. 47–105, 118–128; Ex. VVVV (IPR2019-00929 Patent Owner's Preliminary Response) at pp. 12–15; Ex. WWWW (IPR2019-00929 July 9, 2019 Declaration of Kevin Butler) at ¶¶ 36–43; Ex. XXXX (IPR2019-00929 Patent Owner's Response) at pp. 10–24; Ex. YYYY (IPR2019-00929 December 18, 2019 Declaration of Kevin Butler) at ¶¶ 42–64; Ex. ZZZZ (IPR2019-00929 Patent Owner's Sur-Reply) at pp. 2–5.</p> <p><u>Extrinsic Evidence:</u></p>	<p>Kevin Butler, <i>IOENGINE, LLC v. Interactive Media Corp. d/b/a Kanguru Solutions</i>, No. 14-1571-GMS (D. Del. Dec. 31, 2014), D.I. 107) at ¶¶59, 81–82, 92.</p> <p>Ex. M. (Kanguru Defender Basic User Manual (2012) at 9–15.</p> <p>Ex. N. (Trial Transcript <i>IOENGINE, LLC v. Imation Corp.</i>, No 14-1572-GMS (D. Del. Dec. 31, 2014) at 374:1–10.</p>

Claim Term(s)	IOENGINE, LLC's Proposed Construction(s) and Evidentiary Support	PayPal's Proposed Construction(s) and Evidentiary Support	Ingenico's Proposed Construction(s) and Evidentiary Support
	<p>Ex. NN: Deposition transcript of James T. Geier, dated September 11, 2019 (“Ex. 2110” in IPR2019-00416, IPR2019-00879) at 15:10-16, 114:17-115:22, 125:10-126:2, 126:16-127:6, 129:21-130:11, 130:17-131:11, 137:19-138:8, 141:4-14, 143:6-155:2-156:8, 157:3-158:11, 163:10-12, 164:7-10; 233:24-234:22, 236:24-237:13.</p> <p>Ex. OO: Institution of <i>Inter Partes</i> Review in IPR2019-00416 at 18, 21, 24, 25, 36 n.9, 46, 49, 52, 54-55, 61, 66-67, 70, 79.</p> <p>Ex. QQ: Petitioner's Motion to Submit Supplemental Information Pursuant to 37 C.F.R. 42.123(a) at 2-5</p> <p>Ex. RR: Excerpts from Computer Shopper, July 2000, Vol. 20, No. 7, Issue 244 at 3-4</p> <p>Ex. SS: Shaw, An Input-Output</p>	<p>Ex. AAAAA (The Merriam-Webster Dictionary (2004)) definition of “interactive.”</p> <p>Ex. BBBBB (Dictionary of Computer Science, Engineering, and Technology (2001)) definition of “user interface (UI).”</p>	

Claim Term(s)	IOENGINE, LLC's Proposed Construction(s) and Evidentiary Support	PayPal's Proposed Construction(s) and Evidentiary Support	Ingenico's Proposed Construction(s) and Evidentiary Support
	<p>Model for Interactive Systems at 1, 4-6, 9</p> <p>Ex. TT “Cellular Phones: Today and Tomorrow,” Science Year 2002, The World Book Annual Science Supplement (Ex. 1031 in IPR2019-00416), at 5, 8;</p> <p>Ex. UU Excerpts from Computer Shopper, July 2000, Vol. 20, No. 7, Issue 244 (Ex. 1032 in IPR2019-00416), 1, 3, 6, 7-8, 9;</p> <p>Ex. VV “From cell-phones to self-phones,” The Economist, January 26th 2002, Vol. 362, No. 8257, pp. 56-57 (Ex. 1033 in IPR2019-00416), at 4, 5;</p> <p>Ex. WW Excerpts from Computer Shopper, January 2002, Vol. 22, No. 1, Issue No. 262 (“Ex. 1034” in IPR2019-00416) at 20, 21, 45, 48, 51, and <i>passim</i></p> <p>Ex. XX Excerpts from online cellphone catalog: www.gsmarena.com (Ex. 1035 in</p>		

Claim Term(s)	IOENGINE, LLC's Proposed Construction(s) and Evidentiary Support	PayPal's Proposed Construction(s) and Evidentiary Support	Ingenico's Proposed Construction(s) and Evidentiary Support
	<p>IPR2019-00416, <i>passim</i>)</p> <p>Ex. YY. Prosecution History for U.S. Patent No. 8,539,047 at 129-130, 153, 156-57, 159-67 (Ex. 1014 in IPR2019-00416) (Ex. 1021 in IPR2019-00929)</p> <p>Ex. ZZ: IPR2019-00879, DECISION Granting Institution of Inter Partes Review (September 26, 2019), Paper 16, at 17</p> <p>Ex. BBB. Excerpt from “The Microsoft Windows 2000 Professional Handbook” by Louis Columbus (Charles River Media 2001) (“Ex. 2105” in IPR2019-00416) at 88-90.</p> <p>Ex. CCC. Reply in IPR2019-00416 at 1-2, 4</p> <p>Ex. DDD: Deposition Transcript of Kevin Raymond Boyce Butler, December 20, 2019 at 27:8-28:16, 52:17-53:13</p>		

Claim Term(s)	IOENGINE, LLC's Proposed Construction(s) and Evidentiary Support	PayPal's Proposed Construction(s) and Evidentiary Support	Ingenico's Proposed Construction(s) and Evidentiary Support
	<p>Ex. EEE: Petition in IPR2019-00584 at 15.</p> <p>Ex. FFF: Declaration of Kevin Butler, Ph.D. in IPR2019-00879 at ¶¶ 37-45</p> <p>Ex. GGG: Petition for IPR in - 879 proceeding at 13-15.</p> <p>Ex. HHH: Declaration of Kevin Butler, Ph.D. dated December 18, 2019 (Ex 2099 in IPR2019-00879) at 48-71, 92-94</p> <p>Ex. III. Definition of “user interface”, The Computer Glossary: The Complete Illustrated Dictionary, Ninth Edition, The Computer Language Company Inc., 2001, p. 420 (“Ex. 1009” in IPR2019-00879).</p> <p>Ex. JJJ: Geier Declaration, filed with Petition in IPR2019-00879 (“Ex. 1002”) ¶ 30.</p> <p>Ex. KKK. Decision Granting Institution of <i>Inter Partes</i></p>		

Claim Term(s)	IOENGINE, LLC's Proposed Construction(s) and Evidentiary Support	PayPal's Proposed Construction(s) and Evidentiary Support	Ingenico's Proposed Construction(s) and Evidentiary Support
	<p>Review in IPR2019-00879</p> <p>LLL. Prosecution History for parent U.S. Patent No. 8,539,047 (Mar. 25, 2019, Ex. 1016 in IPR2019-00879), at 130, 156-57, 159-63</p> <p>MMM. Deposition Transcript of Kevin Raymond Boyce Butler, December 20, 2019 (Mar. 11, 2020 Ex. 1046 In -879)</p> <p>NNN. IPR2019-00929 Petition (Ex. 2003 in -929) at 11</p> <p>Ex. OOO. Declaration of Kevin Butler, Ph.D., IPR2019-00929, July 9, 2019 at ¶¶ 36-43</p> <p>QQQ Geier Declaration filed with -929 Brief (Ex. 1027 in IPR2019-00929) ¶29</p> <p>RRR Petition for Inter Partes Review in IPR2019-00929 at 10-11 (paper 2)</p> <p>Ex. SSS: Declaration of Kevin Butler, Ph.D. dated December</p>		

Claim Term(s)	IOENGINE, LLC's Proposed Construction(s) and Evidentiary Support	PayPal's Proposed Construction(s) and Evidentiary Support	Ingenico's Proposed Construction(s) and Evidentiary Support
	<p>18, 2019 (Ex. 2099 in IPR2019-00879) at ¶¶41-56, 66-70, 72-74, 76, 78, 79, 81-83, 87-95, 98-107, 112-15, 117-18, 121-44, 146-47, Figs. 5, 7, 8;</p> <p>Ex. TTT: Declaration of Kevin Butler, Ph.D. (Ex. 2139 in IPR2019-00929), at ¶¶ 41-57, 58, 59, 60-64, 66-70, 72-74, 76, 78, 79, 81-83, 86-108, 112-15, 117-18, 121-44, 146-47, Figs. 5, 7, 8</p> <p>Ex. UUU: Decision Denying Institution of <i>Inter Partes</i> Review, Ingenico Inc. v. IOENGINE, LLC, IPR2019-00584, Paper 13 at 16-18 (PTAB Aug. 9, 2019).</p> <p>Ex. VVV: Deposition Transcript of Kevin Raymond Boyce Butler, February 6, 2020, at 53-55.</p> <p>Exhibit XXX Declaration Of Aviel D. Rubin, Ph.D. (July 17, 2019).</p> <p>Exhibit YYY Declaration Of Aviel D. Rubin, Ph.D. (August</p>		

Claim Term(s)	IOENGINE, LLC's Proposed Construction(s) and Evidentiary Support	PayPal's Proposed Construction(s) and Evidentiary Support	Ingenico's Proposed Construction(s) and Evidentiary Support
	<p>12, 2019)</p> <p>Ex. ZZZ: Reply Brief from IPR2019-00929 (Paper 31) at 5</p>		
<p>(A) “first program code” (all independent claims from which the asserted claims depend)</p> <p>(B) “second program code” (all independent claims from which the asserted claims depend)</p> <p>(C) “third program code” (all independent claims from which the asserted claims depend)</p> <p>(D) “fourth program code” ('969 patent claim 1; '703 patent claims 55, 93, and 104)</p> <p>(Proposed by PayPal)</p>	<p><u>Proposed Construction</u></p> <p>(A)-(D): Plain and ordinary meaning / No Construction Needed</p> <p><u>Intrinsic Evidence</u></p> <p>Ex. A ('047 Patent) at 16:4-15; 24:38-29:14, 31:1-2; 32:5-7; 32:20-21; 33:10-11; fig. 10, Claims.</p> <p>Ex. B ('969 Patent) at 24:38-29:14, 30:61-67; 31:11-22; fig. 10, Claims 1, 21, 22.</p> <p>Ex. C ('703 Patent) at Abstract; 2:47-53; 3:66-4:2; 4:52-53; 9:49-52; 9:58-10:9; 18:18-37; 25:15-29:67, 36:9-16; 36:21-28; fig. 10, Claims.</p> <p><u>Extrinsic Evidence:</u></p> <p>Ex. AA. Claim Construction</p>	<p><u>Proposed Construction:</u></p> <p>(A)-(D) “part or all of one or more program code files, which may also comprise part or all of other numbered codes”</p> <p><u>Intrinsic Evidence:</u></p> <p>The asserted patents, including at least the '969 patent at: 14:2-5; 16:22-23; 16:51-17:20; 17:51-18:46; 20:25-21:43; 24:63-30:5 (including 24:64-65; 25:24-25; 26:29-30; 26:36-39); Fig. 10.</p> <p>Ex. DDDDD (Declaration Dated 4/16/10 in the Prosecution History of U.S. Patent No. 7,861,006), including at least ¶ 6.</p> <p>Ex. EEEEE ([First] Request for Certificate of Correction Dated</p>	<p><u>Proposed Construction:</u></p> <p>(A)-(D): Plain and ordinary meaning / no construction required.</p>

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	<p>Order, <i>IOENGINE, LLC v. Interactive Media Corp.</i>, C.A. No. 14-1571-GMS, D.I. 67 (including, at least, at 3 n.4); <i>IOENGINE, LLC v. Imation Corp.</i>, C.A. No. 14-1572-GMS, Order Construing the Terms of U.S. Patent No. 8,539,047, D.I. 102 (including, at least, at 2-3, 3 n.4) (D. Del. March 21, 2016)</p> <p>Ex. BB: Final Written Decision, <i>Ingenico Inc. v. IOENGINE, LLC</i>, IR2019-00929, D.I. 53 at 20-21 (PTAB Sept. 21, 2020)</p> <p>Ex. CC: Declaration Of Aviel D. Rubin, Ph.D. at ¶¶ 57–68</p> <p>Ex. DD: Declaration of Dr. Clifford Neuman, Case Nos. IPR2019-00884 - 00887 at ¶ 175</p> <p>Ex. GG: Petition for Inter Partes Review in IPR2019-00416 at 11 n.2</p> <p>Exhibit II. Opp. Brief in -18-cv-452 Claim Construction at 18-19.</p>	<p>10/15/2019 in the Prosecution History of U.S. Patent No. 10,447,819), including at least pp. 1-2.</p> <p>All statements made by Patent Owner in this proceeding relating to the scope of this claim language, including at least: Ex. FFFF (Dkt. No. 90) at pp. 15-17; Ex. GGGGG (Dkt. No. 110) at pp. 11-13.</p> <p>All statements made by Patent Owner in any of IPR2019-00416; IPR2019-00584; IPR2019-00879; IPR2019-00884; IPR2019-00885; IPR2019-00886; IPR2019-00887; IPR2019-00906; IPR2019-00907; IPR2019-00929; IPR2019-00930; IPR2019-00931, and all appeals thereof, including at least: Ex. HHHHH (IPR2019-00906 Patent Owner's Preliminary</p>	

Claim Term(s)	IOENGINE, LLC's Proposed Construction(s) and Evidentiary Support	PayPal's Proposed Construction(s) and Evidentiary Support	Ingenico's Proposed Construction(s) and Evidentiary Support
		Response) at pp. 15-17; Ex. IIIII (IPR2019-00906 Declaration of Aviel Rubin) at ¶¶ 57-59; Ex. JJJJJ (IPR2019-00907 Patent Owner's Preliminary Response) at pp. 14-16; Ex. KKKKK (IPR2019-00907 Declaration of Aviel Rubin) at ¶¶ 59-62.	
<p>(A) “A portable device . . . comprising . . . fourth program code which is configured to be executed by the portable device processor in response to a communication received by the portable device resulting from user interaction with the interactive user interface” ('969 Patent, Claim 1)</p> <p>(B) “A system . . . comprising . . . [a] portable device configured to . . . execute fourth program code stored on the portable device memory in response to a communication</p>	<p><u>Proposed Construction</u></p> <p>(A)-(B): No Construction Needed / Not Indefinite</p> <p><u>Intrinsic Evidence</u></p> <p>Ex. A ('047 Patent) claims 1, .</p> <p>Ex. B ('969 Patent) claims 1.</p> <p>Ex. C ('703 Patent) at Abstract, 2:47-53, 3:66-4:2, 4:52-53, 9:49-52, 9:58-10:9, 18:18-37, 26:62-27:7, 29:30-67, claims 104.</p> <p><u>Extrinsic Evidence</u></p> <p>Ex. CC: Declaration Of Aviel D. Rubin, Ph.D. at ¶¶ 60-64</p>	<p><u>Proposed Construction:</u></p> <p>Claim 1 of the '969 patent and claim 104 of the '703 patent are indefinite, and thus invalid, because they impermissibly claim both an apparatus and a method.</p> <p><u>Intrinsic Evidence:</u></p> <p>The asserted patents, including at least the '969 patent at: Abstract; 1:46-61; 2:39-46; 3:57-62; 4:31-5:8; 5:31-8:52; 9:5-11:31; 13:13-16; 13:28-33; 13:52-63; 14:2-5; 14:58-15:17; 15:27-31; 16:40-49; 16:65-17:1;</p>	<p><u>Proposed Construction:</u></p> <p>(A)-(B): Plain and ordinary meaning / no construction required.</p>

Claim Term(s)	IOENGINE, LLC's Proposed Construction(s) and Evidentiary Support	PayPal's Proposed Construction(s) and Evidentiary Support	Ingenico's Proposed Construction(s) and Evidentiary Support
received by the portable device resulting from user interaction with the interactive user interface" ('703 Patent. Claim 104)	<p>Exhibit II. Opp. Brief in -18-cv-452 Claim Construction at 22, 24.</p> <p>Ex. JJ: Imation Trial Transcript, at 381:11-17, 213:10-14, 213:15-18</p> <p>Ex. ZZ: IPR2019-00879, DECISION Granting Institution of Inter Partes Review (September 26, 2019), Paper 16, at 17</p> <p>Ex. AAA Excerpt from Harry Newton, NEWTON'S TELECOM DICTIONARY (18th ed. 2002) (Ex. 2103 in IPR2019-00416)</p> <p>Ex. WWW: Petition in -906 IPR at 33 n.4, 33-35, 76 (admitting "a user may interact" with IUI).</p>	<p>17:51-18:3; 21:64-22:27; 23:44-50; 25:8-22; 26:7-27; 28:54-57; Figs. 4-8.</p> <p>Ex. LLLL (<i>Imation</i> Litigation Dkt. No. 84), including at least pp. 56-57.</p> <p>All statements made by Patent Owner in this proceeding relating to the scope of this claim language, including at least: Ex. MMMMM (Dkt. No. 90) at pp. 17-19; Ex. NNNNN (Dkt. No. 110) at pp. 13-17.</p>	